

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-5, 7 and 8 are pending in the application, with claim 1 being the independent claim. Claims 6 and 9 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Claims 1-5, 7 and 8 have been amended. Claims 1-3 have been amended to recite subject matter elected in Applicants' Response to Restriction, dated January 12, 2010. Also, claims 1-5, 7 and 8 have been amended to better conform to U.S. practice. These changes are believed to introduce no new matter, and their entry is respectfully requested.

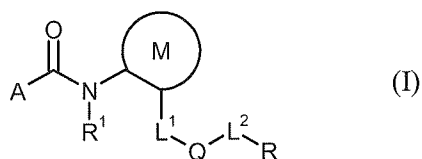
Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejoinder of Claims

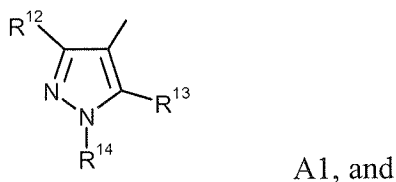
Applicants have amended claims 1-3 to recite subject matter elected in Applicants' Response to Restriction, dated January 12, 2010. Applicants respectfully assert that Applicants elected Group I *with traverse*. Reply to Restriction Requirement, January 12, 2010, p. 2. Applicants would also like to thank the Office for rejoining groups II and III directed to a process of making and methods of use of compounds of formula I, respectively.

Description of the Invention

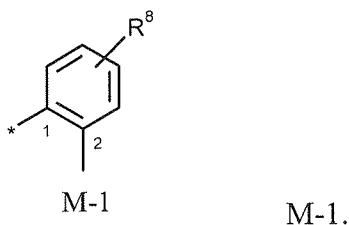
The present invention is directed to novel carboxamides of the formula (I)



wherein A is a radical of the formula A1



M is a radical of formula M-1



The present invention is also directed to several processes for the synthesis of compounds of formula (I) and their use for combating undesired microorganisms.

Rejections under 35 U.S.C. § 101

Claim 6 has been rejected under 35 U.S.C. § 101 because it allegedly lacks patentable utility. In view of the cancellation of claim 6, the rejection of claim 6 is rendered moot.

Rejections under 35 U.S.C. § 112

Claims 2 and 5-8 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Office states that claim 2 cites negative limitations which renders the claim indefinite and unpatentable. Office Action, p. 2. While not acquiescing to the rejection, and solely to expedite prosecution, Applicants have amended claim 2 to remove the negative limitations and request that the rejection of claim 2 be withdrawn.

The Office states that claim 5 is allegedly confusing and not clear, and therefore indefinite. Office Action, p. 3. While not acquiescing to the rejection, and solely to expedite prosecution, Applicants have amended claim 5 to recite a composition and request that the rejection of claim 5 be withdrawn.

The Office states that claims 6 and 7 are allegedly substantial duplicates. Office Action, p. 3. In view of the cancellation of claim 6, this rejection is rendered moot.

The Office states that the terms "synthesizing" and "mixing" in claim 8 are not the same, and therefore the claim is allegedly indefinite. While not acquiescing to the rejection, and solely to expedite prosecution, Applicants have amended claim 8 to delete the term "synthesizing" and recite the preparation of a composition. Therefore, Applicants request that the rejection of claim 8 be withdrawn.

Objection to the Claims

Claims 1-8 are objected to for containing non-elected subject matter and has required that the claims be amended within the scope of the election by Applicant. The Office has also objected to claim 9 and required that claim 9 be deleted to place the application in condition for allowance. Office Action, p. 3. While not acquiescing to the rejection, and solely to expedite prosecution, Applicants have amended the claims to

recite subject matter within the scope of Applicants' election, and have cancelled claim 9.

Applicants respectfully request that the objection to claims 1-8 be withdrawn.


Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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